

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT:	JOHN P. RUCKART	)	
		)	
SERIAL NO.:	10/086,338	)	ART UNIT:
		)	2614
FILED:	March 1, 2002	)	
		)	EXAMINER:
FOR:	TELEPHONE HOLD FEATURE	)	Lisa Hashem

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

REQUEST FOR PRE-APPEAL BRIEF CONFERENCE

In response to the Final Office Action mailed March 17, 2009, and in conjunction with the concurrently filed Notice of Appeal, Applicants request a Pre-Appeal Brief Conference in view of the following remarks.

## REMARKS

In response to the final Office Action dated March 17, 2009, Applicants respectfully request reconsideration in a Pre-Appeal Brief Conference based on the following remarks. Reconsideration and allowance of the claims are respectfully requested in view of the following remarks.

Claims 8 and 19 have been canceled to expedite prosecution. Such cancellation should not be construed as acquiescence in any rejections.

Claims 6-10, 12, 13, and 17-22 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Moon (6,418,309) in view of Dutta. This rejection is traversed for the following reasons.

Claim 6 recites, *inter alia*, “if the hold function is enabled based on the one or more parameters of the hold function, automatically answering the call if the call corresponds to the one or more parameters of the hold function and placing the call on hold, the automatically answering the call and placing the call on hold being performed without input from the called party at the time of the call; if the hold function is not enabled, directly ringing a called party device; determining whether the called party has pressed a button on the telecommunications device to enable a hold function.” Claim 6 recites two techniques for placing a call on hold. First, the hold function may be enabled based on the one or more parameters of the hold function. Second, if the hold function is not enabled, directly ringing a called party device; determining whether the called party has pressed a button on the telecommunications device to enable a hold function. Neither Moon nor Dutta teaches these features.

In applying Moon to claim 8, related to a hold button, the Examiner cited to various sections of Moon describing the input mechanism to the device of Moon. Moon, however, fails to teach a hold button used to place incoming calls on hold. In Moon, the scheduling settings control how calls are placed. There is no hold button. In the final rejection the Examiner cites to a called party pressing a meeting mode control button (Fig. 4, 52) to display a meeting mode screen (Fig. 5A, 54) in order for the called party to enable a hold function while the called party is in a meeting (Fig. 5A, 64, 69). Settings in Figure 5A are used in the configuration of an automatic hold feature as described in column 5, line 64 – column 6, line 16. The disclosure related to bubble 64 and box 69 relate to configuring

meeting settings so that the user is not disturbed during a meeting. The Examiner interpretation of these settings as “directly ringing a called party device and determining whether the called party has pressed a button on the telecommunications device to enable a hold function” is not accurate.

Dutta was also relied upon for teaching a hold button. What is absent from Dutta is the progression recited in claim 6. Claim 6 recites “if the hold function is enabled based on the one or more parameters of the hold function, automatically answering the call if the call corresponds to the one or more parameters of the hold function and placing the call on hold, the automatically answering the call and placing the call on hold being performed without input from the called party at the time of the call; if the hold function is not enabled, directly ringing a called party device; determining whether the called party has pressed a button on the telecommunications device to enable a hold function.” The mere existence of a hold button does not teach these aspects of claim 6.

Neither Moon nor Dutta teach the progression from automatic to manual hold function recited in claim 6. Claim 6 recites “if the hold function is enabled based on the one or more parameters of the hold function, automatically answering the call if the call corresponds to the one or more parameters of the hold function and placing the call on hold, the automatically answering the call and placing the call on hold being performed without input from the called party at the time of the call; if the hold function is not enabled, directly ringing a called party device; determining whether the called party has pressed a button on the telecommunications device to enable a hold function.” The fact that Moon and Dutta have hold buttons does not mean that the processing of claim 6 is performed.

For at least the above reasons, claim 6 is patentable over Moon in view of Dutta. Claims 7, 9-10, 12, 13 and 21 depend from claim 6 and are patentable over Moon in view of Dutta for at least the reasons advanced with respect to claim 6.

Independent claim 17 recites “means for automatically answering a call placed by a calling party to a called party if the hold function is enabled and placing the call on hold, if the call corresponds to the one or more parameters and placing the call on hold, the automatically answering the call and placing the call on hold being performed without input from the called party at the time of the call; means for directly ringing a called party device if the hold function is not enabled based on the one or more parameters of the hold function;

means for determining whether the called party has pressed a button on the telecommunications device to enable a hold function” and is patentable over Moon in view of Dutta for at least the reasons advanced with reference to claim 6. Claims 18, 20 and 22 depend from claim 17 and are patentable over Moon in view of Dutta for at least the reasons advanced with respect to claim 17.

Claims 11 and 14-16 were rejected under 35 U.S.C. § 102 as being unpatentable over Moon in view of Dutta and Okun. This rejection is traversed for the following reasons.

With respect to claim 11, Okun was relied upon for allegedly disclosing playing a message resident on a services node of a telecommunications network, but fails to cure the deficiencies of Moon in view of Dutta discussed above with reference to claim 6. Claim 11 depends from claim 6 and is patentable over Moon in view of Dutta and Okun for at least the reasons advanced with reference to claim 6.

Claim 14 recites “determining whether an incoming call placed to the telecommunications device by a calling party should be placed on hold prior to the call being answered by the user of the telecommunications device according to the incoming call hold service if the hold function is enabled, the determining based on a user input predetermined time period during which the incoming call is placed on hold, and a list including at least one predetermined potential calling party from whom incoming calls are placed on hold, the user input predetermined time period during which the incoming call is placed on hold being obtained by interfacing with a scheduling program; placing the incoming call on hold prior to the call being answered, the placing the call on hold being performed without input from the called party at the time of the call; if the incoming call is not to be placed on hold based on the incoming call hold service, directly ringing a called party device if the hold function is not enabled; determining whether the called party has pressed a button on the telecommunications device to enable a hold function.” Neither Moon nor Dutta teaches these features. Okun fails to cure the deficiencies of Moon in view of Dutta discussed above with reference to claim 6. Claim 14 is patentable over Moon in view of Dutta and Okun. Claims 15-16 depend from claim 14 and are patentable over Moon in view of Dutta and Okun for at least the same reasons.

In view of the foregoing remarks and amendments, Applicant submits that the above-identified application is in condition for allowance. Early notification to this effect is respectfully requested.

If there are any charges with respect to this response or otherwise, please charge them to Deposit Account 06-1130.

Respectfully submitted,

By: 

David A. Fox  
Registration No. 38,807  
CANTOR COLBURN LLP  
20 Church Street  
22<sup>nd</sup> Floor  
Hartford, CT 06103-3207  
Telephone (860) 286-2929  
Facsimile (860) 286-0115  
Customer No. 36192

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